

Office of the Yavapai County Attorney  
255 E. Gurley Street, Suite 300  
Prescott, AZ 86301  
Phone: (928) 771-3344 Facsimile: (928) 771-3110

YAVAPAI COUNTY ATTORNEY'S OFFICE  
JOSEPH C. BUTNER SBN 005229  
DEPUTY COUNTY ATTORNEY  
255 East Gurley Street  
Prescott, AZ 86301  
Telephone: 928-771-3344  
ycao@co.yavapai.az.us

8:15 **FILED**  
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JUN 02 2010  
JEANNE HICKS, Clerk  
BY [Signature] Deputy

IN THE SUPERIOR COURT OF STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,

Plaintiff,

v.

STEVEN CARROLL DEMOCKER,

Defendant.

Cause No. P1300CR20081339

Division 6

STATE'S PROPOSED STATEMENT  
TO JURORS

The State of Arizona, by and through Sheila Sullivan Polk, Yavapai County Attorney, and her deputy undersigned, hereby submits its statement to be read to the proposed jury panel on June 2, 2010. For the most part, the State agrees with Defendant's proposed statement. For brevity, the State will not repeat parts of Defendant's statement it agrees with.

The State would add to the first sentence of the second paragraph on page one the following: "The Court has asked you to come here today for *three* reasons. At this end of this paragraph add: Third, it is entirely conceivably that following the individual questioning this court will impanel a jury and the trial will begin immediately.

Directing your attention to pages 4 and 5, the State objects to the language beginning in the first full paragraph, page 4 starting with "Specifically" and proceeding to the top of page 5

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1 and ending with the words "group questioning." The State has filed a motion seeking leave to  
2 file an amendment to the indictment alleging non-capital sentencing aggravators pursuant to  
3 A.R.S. §13.702. If this motion is granted by the Court, the non-capital sentencing aggravators  
4 must be tried to the jury. Pursuant to *Blakely v. Washington* 542 U.S. 296, 301, 124 S.Ct.  
5 2531, 2536 (U.S.Wash.,2004), we are required to apply the rule expressed in *Apprendi v.*  
6 *New Jersey*, 530 U.S. 466, 490, 120 S.Ct. 2348, 147 L.Ed.2d 435 (2000): "Other than the fact  
7 of a prior conviction, any fact that increases the penalty for a crime beyond the prescribed  
8 statutory maximum must be submitted to a jury, and proved beyond a reasonable doubt."

9  
10 Beginning at the top of page 6, delete the last sentence starting with the words "In  
11 short..."

12 The State objects to the language beginning with the last paragraph on page 6 starting  
13 with the word "Throughout" and ending near the bottom of page 7 with the words "discussion  
14 with us." This type of inquiry is more properly explored on an individual bases.

15  
16 RESPECTFULLY SUBMITTED this 2<sup>nd</sup>, June, 2010.

17  
18 Sheila Sullivan Polk  
YAVAPAI COUNTY ATTORNEY

19  
20 By:  (Fm)

21 Joseph C. Butler  
22 Deputy County Attorney

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1 COPIES of the foregoing delivered this  
2 2nd day of June, 2010 to:

3 Honorable Thomas J. Lindberg  
4 Division 6  
5 Yavapai County Superior Court

6 John Sears  
7 511 E.. Gurley St.  
8 Prescott, AZ 86301  
9 Attorney for Defendant

10 Larry Hammond  
11 Anne Chapman  
12 Osborn Maledon, P.A.  
13 2929 North Central Ave, 21<sup>st</sup> Floor  
14 Phoenix, AZ  
15 Attorney for Defendant

16 By: Web Cornell  
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